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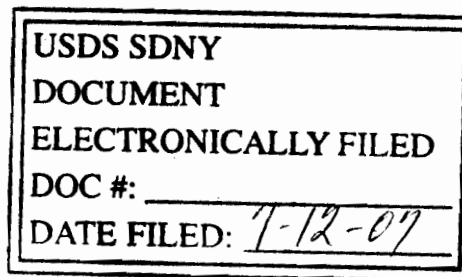
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July 11, 2007

Via Facsimile (212-805-6382)

Hon. Victor Marrero
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street – Room 660
New York, New York 10007



Re: **Grandison v. North General Home Attendant Corp., et al.**
06 CV 2971(VM)

Dear Judge Marrero:

We are of counsel to Rosenbluth & Rosenbluth, attorneys for North General Service Corporation (improperly named in the Complaint as "North General Hospital Corp.") in the above-referenced action.

Pursuant to this Court's May 1, 2007 Order, we are writing to advise that, as the result of the U.S. Supreme Court's June 11, 2007 decision in Coke v. Long Island Care at Home, Ltd., the plaintiffs in the Grandison case are exempt from the Fair Labor Standards Act provisions at issue in this action. As a consequence, there is no viable cause of action in this lawsuit.

We have communicated with plaintiffs' counsel in an effort to reach agreement on the filing of a Stipulation of Dismissal, dismissing the action with prejudice pursuant to Fed.R.Civ.P. 41(a)(1)(ii). Plaintiffs' counsel has refused to agree to dismiss the federal FLSA claims with prejudice despite the Coke decision.

Consequently, it appears necessary that North General Service Corporation will be constrained to move to dismiss the Complaint and for all fees and costs attendant to the making of that motion. Accordingly, and pursuant to Rule 2(A) of Your Honor's Individual Practices,


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we seek a pre-motion conference with the Court to address the Coke decision and its dispositive impact on the instant action.


We thank the Court for its time and attention.

Respectfully submitted,



Thomas S. Rosenthal

cc: Fran L. Rudich, Esq. (Attorney for plaintiffs)

Request GRANTED. A status conference herein is scheduled for <u>7-19-07</u> at <u>9:30 A.M.</u> to address the matter described above by <u>defendant. Plaintiff will be asked to indicate a good faith basis for not dismissing the PLA claims in the light of SO ORDERED. The Supreme Court's decision in Coke v. Long Island Care.</u>	
<u>7-11-07</u> DATE	 VICTOR MARRERO, U.S.D.J.